

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed May 30, 2007 rejected claims 1-12. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-14 are pending. More specifically, claims 1, 7, and 12 are amended and claims 13 and 14 are added. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-12 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Unger* (U.S. Publication No. 2003/0026423). These rejections are respectfully traversed where not rendered moot by amendment.

II. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-6

The Office Action rejects claims 1-6 under 35 U.S.C. §102(e) as allegedly being anticipated by *Unger* (U.S. Publication No. 2003/0026423). For at least the reasons set forth below, Applicant respectfully submits that the rejection is rendered moot by amendment.

Independent claim 1, as amended, recites:

1. A method for providing a program in a conditional access system, the method comprising the steps of:
selecting a digital bit stream from a plurality of digital bit streams;
encrypting a first portion of the selected digital bit stream according to a first encryption method to provide a first encrypted stream;

encrypting a second portion of the selected digital bit stream according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method;
multiplexing the first encrypted stream, the second encrypted stream, and the plurality of digital bit streams to provide a partially-encrypted stream; and
transmitting the partially-encrypted stream.

(Emphasis added).

Applicant respectfully submits that claim 1, as amended, is disclosed in the parent application. Therefore, *Unger* is not eligible as prior art. Applicant respectfully submits that the amendments to claim 1 have rendered the rejection moot. Applicant respectfully submits that independent claim 1, as amended, is disclosed in one example embodiment in U.S. Patent No. 6,252,964: “clear services such as the elementary digital bit streams which comprise MPEG-2 programs are sent through a 1st level encryption called the Program Encrypt Function 201, which is preferably a symmetric cipher such as the well-known DES algorithm. ... The CW202 ... encryption is preferably a symmetric cipher such as the Triple-DES algorithm.” ‘964 patent, col. 6, lines 16-20 and 43-46. Therefore, the claim is enabled in the parent application, *Unger* is not a proper reference, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1, as amended, is allowable over the cited references of record, dependent claims 2-6 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-6 contain all the features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-6 are patentable over

Unger, the rejection to claims 2-6 should be withdrawn and the claims allowed. Additionally, new claim 13 recites further features and is also allowable at least for the reason that it depends on allowable claim 1.

B. Claims 7-12

The Office Action rejects claims 7-12 under 35 U.S.C. §102(e) as allegedly being anticipated by *Unger* (U.S. Publication No. 2003/0026423). For at least the reasons set forth below, Applicant respectfully submits that the rejection is rendered moot by amendment.

Independent claim 7, as amended, recites:

7. A method for providing a plurality of programs in a conditional access system, the method comprising the steps of:
selecting a plurality of elementary bit streams from a transport stream;
encrypting a first portion of the selected elementary bit stream according to a first encryption method to provide a first encrypted stream;
encrypting a second portion of the selected elementary bit stream according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method;
multiplexing the first and second encrypted streams and the remaining portion of the selected elementary bit stream with the transport stream; and
transmitting the multiplexed stream.

(Emphasis added).

Applicant respectfully submits that claim 7, as amended, is disclosed in the parent application. Therefore, *Unger* is not eligible as prior art. Applicant respectfully submits that the amendments to claim 1 have rendered the rejection moot. Applicant respectfully submits that independent claim 1, as amended, is disclosed in one example embodiment in U.S. Patent No. 6,252,964: "clear services such as the elementary digital bit streams which comprise MPEG-2 programs are sent

through a 1st level encryption called the Program Encrypt Function 201, which is preferably a symmetric cipher such as the well-known DES algorithm. ... The CW202 ... encryption is preferably a symmetric cipher such as the Triple-DES algorithm.” ‘964 patent, col. 6, lines 16-20 and 43-46. Therefore, the claim is enabled in the parent application, *Unger* is not a proper reference, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 7, as amended, is allowable over the cited references of record, dependent claims 8-12 (which depend from independent claim 7) are allowable as a matter of law for at least the reason that dependent claims 8-12 contain all the features of independent claim 7. Therefore, since dependent claims 8-12 are patentable over *Unger*, the rejection to claims 8-12 should be withdrawn and the claims allowed. Additionally, new claim 14 recites further features and is also allowable.

III. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-14 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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